

**Joint Submission for the 60th Session of the  
Convention on the Elimination of Discrimination against Women (CEDAW)**

**Geneva, Switzerland, 16 February – 6 March 2015**

**Alternative Report  
On the Situation of Women who Use Drugs, Sex Workers,  
and Lesbians, Bisexual Women, and Transgender People**

Republic of Kyrgyzstan  
2014

The report was prepared and submitted by the following organizations that represent and/or support women who use drugs, sex workers and lesbians, bisexual women and transgender people in Kyrgyzstan: **Public Foundation “Asteria”, LGBTIQA organization “Labrys”, “Podruga”, Public Foundation “Tais Plus”, Shakh Aiyem, Public Foundation “AIDS Foundation East-West in the Kyrgyz Republic” and The Global Health Research Center of Central Asia.**

## **INTRODUCTION**

This report describes discrimination faced by the particularly stigmatized groups of women: women who use drugs, sex workers, lesbian and bisexual women, and transgender people in Kyrgyzstan. Information included in the report is based on cases documented by the civil society organizations representing or working with these populations of women and involved in preparing this report, as well as official sources, press publications, and research conducted and published independently.

## **ARTICLE 1: DEFINITION OF DISCRIMINATION**

Women who use drugs, sex workers, lesbian and bisexual women and transgender individuals are denied the ability and tools to realize their rights in accordance with the Constitution of the Republic of Kyrgyzstan in the ways that all other citizens do. Limitations on their rights are encouraged by public opinion, the practices of governmental bodies (law enforcement agencies in particular), health care providers, and individual groups of citizens guided by religious and/or “traditional” values.<sup>1</sup> In essence, these three groups of women face double discrimination: as women in general, who do not enjoy the same rights as men, and as groups of women deemed to have no place within Kyrgyz society.

Women from these groups are demonized for a number of reasons: sex workers as carriers of disease,<sup>2</sup> women who use drugs as criminals deprived of any rights;<sup>3</sup> lesbian and bisexual women, and transgender people (LBT) as a threat to the gene pool and “traditional values”.<sup>4,5</sup> The high level of homophobia and transphobia, as well as whorephobia, provides fertile ground for intolerance.<sup>6</sup>

## **Recommendation**

- Ensure application of the CEDAW framework – substantive equality, non-discrimination, and state obligations – to all women without exception and without ignoring groups of women that remain invisible for the state and highly stigmatized: women who use drugs, sex workers, lesbian, bisexual women and transgender individuals.

## **ARTICLE 2: POLITICAL MEASURES TO ELIMINATE DISCRIMINATION**

In the Concluding Observations issued at the 42nd CEDAW session in 2008, the Committee expressed its concern *about reports of discrimination and harassment against women because of their sexuality as well as about acts of harassment*

<sup>1</sup> “How ‘Fighters for values’ attacked Kyrgyz girls and Chinese migrants on 30 December 2014.” 30 December 2014 blog post. Source: <http://kloop.kg/blog/2014/12/30/video-kak-bortsy-za-tsennosti-napadali-na-kyrgyzskih-devushek-i-kitajskih-migrantov/> (accessed 5 January 2015).

<sup>2</sup> “Health Minister: Have Sex at Home,” *Vechernii Bishkek* (in Russian), 16 January 2014 (in Russian). Source: [http://www.vb.kg/doc/258192\\_ministr\\_zdravoohraneniia\\_prizvala\\_zanimatsia\\_seksom\\_doma.html](http://www.vb.kg/doc/258192_ministr_zdravoohraneniia_prizvala_zanimatsia_seksom_doma.html) (accessed 11 January 2015).

<sup>3</sup> Article about drug use: [http://www.knews.kg/society/17542\\_direktor\\_tsentra\\_adaptatsii\\_o\\_72-letnih\\_narkomanah\\_prichinah\\_zavisimosti\\_i\\_narkoprofilaktike](http://www.knews.kg/society/17542_direktor_tsentra_adaptatsii_o_72-letnih_narkomanah_prichinah_zavisimosti_i_narkoprofilaktike)

<sup>4</sup> Description of the ‘propaganda’ bill on the website of Kyrgyz Parliament: [http://www.kenesh.kg/RU/Articles/22917-Na\\_obshhestvennoe\\_obsuzhdenie\\_3\\_iyunya\\_2014\\_goda\\_vynositsya\\_proekt\\_Zakona\\_Kyrgyzskoj\\_Respubliki\\_O\\_vnesenii\\_izmenenii\\_i\\_dopolnenii\\_v\\_nekotorye\\_zakonodatelnye\\_aktovy\\_Kyrgyzskoj\\_Respubliki\\_.aspx](http://www.kenesh.kg/RU/Articles/22917-Na_obshhestvennoe_obsuzhdenie_3_iyunya_2014_goda_vynositsya_proekt_Zakona_Kyrgyzskoj_Respubliki_O_vnesenii_izmenenii_i_dopolnenii_v_nekotorye_zakonodatelnye_aktovy_Kyrgyzskoj_Respubliki_.aspx)

<sup>5</sup> <http://arch.24.kg/glance/181295-s-chego-deputatu-mereshhitsya-gej-parad.html>

<sup>6</sup> Thierry Schaffauser, “Whorephobia Affects All Women,” <http://www.theguardian.com>, Wednesday, 23 June 2010 15:30 BST. Source: <http://www.theguardian.com/commentisfree/2010/jun/23/sex-workers-whorephobia> (accessed 11 January 2015).

against women in prostitution by police officials (Paragraph 43). Kyrgyzstan was recommended to take all appropriate measures to ensure the application of the Convention to all women without discrimination and take all necessary steps to protect them from discrimination and violence by public and private individuals (Paragraph 44).

The Kyrgyz Republic's Fourth Periodic Report states that in order to more effectively fight infringements of the "sexual inviolability of citizens", sanctions have been tightened in regard not only to the clients but also to the sex workers themselves (Articles 129-133 of the Criminal Code, which cover penalties for sexual violence). These articles do not concern either sex workers, or their clients.

Thus, the state does not only fail to recognize the widespread violence against sex workers, but also considers sex workers as the perpetrators of crimes against "the sexual inviolability of citizens." Punitive bias of discourse around sex work fuels conditions that make sex workers much more vulnerable to violence both from clients and from law enforcement and deprive them of the ability to work under safe working conditions despite the fact that sex work is decriminalized in Kyrgyzstan.

The Concluding Observation as stated in Paragraph 44 is not addressed in the Fourth Periodic Report by the state party. Between 2008 and 2014 NGOs "Tais Plus" and "Labrys" consistently reminded the government through written communication and meetings about these recommendations but without any concrete results.

### Recommendations

- Ensure the full implementation of the CEDAW Committee's concluding observations from the 42nd Session (2008) regarding sex workers and LBT women based on the convention's framework provision regarding substantive equality.

### ARTICLE 3: GUARANTEES OF BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS BASED ON EQUALITY WITH MEN

The basic rights and freedoms of women who use drugs, sex workers, and LBT individuals are not, in practice, guaranteed by the state, and appropriate tools for realizing these rights do not exist for the following reasons: officially, these groups of women are either invisible to the state or are seen only within the context of criminality and moral condemnation on the pages of the press.

Almost 50 per cent of sex workers and women who use drugs in Kyrgyz Republic do not have passports or identity documents due to a number of reasons: loss, women are routinely released from prison without identity documents, or they never had an identity document because they were not issued a birth certificate. Lack of identity documents means women cannot exercise their basic legal rights.<sup>7,8</sup> In order to obtain identity documents, one needs to have an official residence registration at a permanent address (*propiska*). Many women who use drugs and sex workers do not have a permanent address; they rent temporary apartments and hence cannot get residence registration.

Lack of identity documents inhibits realization of other fundamental rights guaranteed by the state, including obtaining formal employment, getting access to education, health care, including to reproductive health services, to disability or child care benefits. Children of parents who do not have identity documents also cannot obtain passports when they reach legal age. Lack of identity documents has especially detrimental impact on ability to access public health care and justice, for instance in cases of violence. This adds to the system of factors that deter women from reporting incidents of abuse and violence.

Since there is no effective, transparent, and accessible procedure for gender marker change for transgender people in Kyrgyzstan, this group is also unable to use their identity documents without stigma, discrimination, and humiliation.

### Recommendation

- The institution of residence registration has to be eliminated and all citizens, without exception, must be enabled to obtain identity documents.
- In collaboration with transgender people and the NGOs engaged in defending their rights, a procedure should be developed for this group to obtain identity documents that takes into account international standards and does not involve any medical interference.

---

<sup>7</sup> NGO "Tais Plus", "Shadow report". Consideration of third periodic reports of Kyrgyzstan at CEDAW 42 session (2008), p. 3. Available at: [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/KGZ/INT\\_CEDAW\\_NGO\\_KGZ\\_42\\_9409\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/KGZ/INT_CEDAW_NGO_KGZ_42_9409_E.pdf); NGO "Tais Plus" et al., "Compliance of human rights of sex workers in Kyrgyz Republic. Research results" (2014), p. 31.

<sup>8</sup> Djalbieva I. et al., "Limited services psychosocial factors affecting spread of HIV among women using drugs in the south region in Kyrgyzstan. Research findings". Foundation "Asteria" (2009), p. 11. Available at: [asteria.kloop.kg/files/.../ASTERIA-report\\_-2009.doc](http://asteria.kloop.kg/files/.../ASTERIA-report_-2009.doc).

#### ARTICLE 4. TEMPORARY SPECIAL MEASURES FOR ACHIEVING EQUALITY

The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately.

Women who use drugs, sex workers, lesbians and transgender women are perceived as defying acceptable gender norms in a traditionalist society. This justifies violence and discrimination and perpetuates the sense of impunity, resulting in disproportionate levels of violence against women from these communities. The fourth periodic report by the state party does not address the specific vulnerabilities to violence faced by these groups of women and does not list any measures taken to ensure prevention, protection and redress for women who experienced gender-based violence.

According to a recent study (2013-14), in Kyrgyzstan 80 percent of women who use drugs have experienced intimate partner violence (IPV) in the past year.<sup>9</sup> 45 per cent of them have sustained physical injuries, and 26 per cent of women had their bodies irreversibly mutilated by an abusive partner. However, more than two thirds of women (67 per cent) did not seek any medical help for their injuries out of shame, for fear that their drug use status would be disclosed and they would be subjected to further violence, as well as due to lack of money or identity documents needed to access health care. Almost half of women who use drugs and almost 70 per cent of sex workers have experienced violence at the hand of police.<sup>10, 11</sup>

Exposure to violence increases the risk of HIV and inhibits women's ability to fully realize their fundamental rights, including the rights to health and to live in safety and dignity. State parties should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private individuals.<sup>12</sup> This requires a comprehensive policy and program response. Currently in Kyrgyzstan, there are no policies or state-supported programs or services that recognize the specific vulnerabilities and needs of women who use drugs or sex workers in situations of violence.

There are 13 crisis centers operating in the Kyrgyz Republic that provide psychological and legal assistance.<sup>13</sup> There are no state-run crisis centers in the Kyrgyz Republic, while the ones run by NGOs are funded by foreign donors through short-term project support.<sup>14</sup> Only Crisis Center "Sezim" (in the capital city of Bishkek) receives support from the authorities in the form of a rent-free building through a so-called "social contract."<sup>15</sup> In a recent interview, staff members of a harm reduction program who work with women who use drugs reported that "We do not refer our women to these [mainstream] shelters anymore" and explained that a local shelter refuses to take in criminalized and highly stigmatized women because there are no staff members willing to work with them.<sup>16</sup> Exclusion from existing anti-violence services means women who use drugs, sex workers, and transgender women remain stuck in situations of violence without access to protection, health services or justice.

Violence against women due to their sexuality is not mentioned in the state party report at all. Lesbian and bisexual women, therefore, remain invisible and ignored by the state. LGBT organizations have repeatedly gotten in touch with various government offices about adopting the recommendations, but they have not been given specific answers about what the government has done.

Given the high level of police abuse against described groups of women and the sense of impunity felt by police, few women who use drugs, sex workers or transgender people report domestic or other forms of gender-based violence to police or seek protective orders out of fear of arrest and further violence. Reporting violence to police may lead to

---

<sup>9</sup> Overview of statistical data collected during the pilot project Wings of Hope, Kyrgyzstan, Global Health Research Center In Central Asia, project report (2014) (unpublished).

<sup>10</sup> Eurasian Harm Reduction Network, "Women and drug policy in Eurasia" (2010), p. 6. Available at: [http://www.harm-reduction.org/sites/default/files/pdf/women\\_drug\\_policy2010\\_0.pdf](http://www.harm-reduction.org/sites/default/files/pdf/women_drug_policy2010_0.pdf).

<sup>11</sup> NGO Tais Plus, Consideration of Kyrgyzstan's third periodic report to the 42nd CEDAW session (2008), p. 3. Available at: [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/KGZ/INT\\_CEDAW\\_NGO\\_KGZ\\_42\\_9409\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/KGZ/INT_CEDAW_NGO_KGZ_42_9409_E.pdf);

<sup>12</sup> CEDAW, General Recommendation 19.

<sup>13</sup> Kudarbejgen Bazarbaev, "Kyrgyz Republic Overview as Part of Implementation of the Beijing Declaration and the Beijing +20 Platform for Action. Kyrgyz Ministry for Social Affairs" (2012), p. 35. Available at:

[http://www.unwomen.org/~media/Headquarters/Attachments/Sections/CSW/59/National\\_reviews/Kyrgyzstan\\_review\\_Beijing20.pdf](http://www.unwomen.org/~media/Headquarters/Attachments/Sections/CSW/59/National_reviews/Kyrgyzstan_review_Beijing20.pdf).

<sup>14</sup> Human Rights Watch, "Memorandum: Domestic Violence in Kyrgyzstan." Consideration of Kyrgyzstan's Third Periodic Report to the 42nd CEDAW session (2008), p. 11. Available at:

[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/KGZ/INT\\_CEDAW\\_NGO\\_KGZ\\_42\\_9403\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/KGZ/INT_CEDAW_NGO_KGZ_42_9403_E.pdf).

<sup>15</sup> Ibid.; Kyrgyzstan, Third Periodic Report to CEDAW (2008), para. 7. Available at:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKGZ%2f3&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKGZ%2f3&Lang=en).

<sup>16</sup> N. Bitiukova, "Addressing gender-based violence against criminalized women, (2014), OSF (in draft, unpublished). The report can be accessed by emailing [olga.rychkova@opensocietyfoundations.org](mailto:olga.rychkova@opensocietyfoundations.org)

persecution and greater violence, both at the hands of police and the abuser. Currently there is no effective protection mechanism to those who are affected by violence. For instance, it is not possible to report abuse or violence confidentially.

The government of Kyrgyzstan has demonstrated its commitment to address violence against women in a *National Strategy for the Achievement of Gender Equality before 2020* and *National Action Plan for the Achievement of Gender Equality 2012-2014*. However, neither the strategy nor the Action Plan identify and provide for special measures to address the specific needs of stigmatized women.

#### **Recommendations:**

- Ensure access to sustainable, nondiscriminatory and nonjudgmental services for all women in situations of violence without exception, regardless of their health, vocation, or sexual orientation and/or gender identity.
- Set up an appropriate department under the Prosecutor’s office or within the framework of the Ministry of Internal Affairs, as part of the existing witness protection mechanism, that would allow women to confidentially seek help and be given guaranteed protection during the investigation and trial.
- Officially define crimes against these groups of women as hate crimes, which will then permit using this framework in reviewing anti-discrimination laws.
- Introduce the concept of a “hate motive” toward various social groups into the Criminal Code (explicitly including the motive of hate in regard to the LBT community, sex workers, and women who use drugs) as an aggravating circumstance.

#### **ARTICLE 5. GENDER ROLES AND STEREOTYPES**

In Kyrgyzstan, markedly patriarchal mores persist and the roles of men and women are rather rigidly predetermined. Female sex workers, women who use drugs, lesbian and bisexual women and transgender people do not fit traditional roles for women consistent with so-called “family” or “traditional” values. Hence, they bear severe social stigma that allows both state bodies and individuals to condemn and persecute them. Not only does this persecution go unpunished; it meets tacit approval of the general public.

In the spring of 2014, legislation meant to counteract “promoting of non-traditional sexual relations” was drafted and the patriarchal order of society came even more starkly into the view.<sup>17</sup> One Member of Parliament involved in promoting this legislation stated: “Traditional relations is the fact that God created a man and a woman, the traditional family, a husband and wife, that is traditional. The natural family is the core of society. And it has the right to preserve our traditions and customs.”<sup>18</sup> The legislation envisions heavy fines and up to one year in prison for providing and sharing any information about homosexuality or transgenderism in the media or through other means. The Parliament of Kyrgyzstan passed this bill in its first reading on October 15<sup>th</sup>, 2014. The bill is moving through the parliament at of this writing.

The mass media plays a major role in perpetuating stereotypes. In 2013-2014 approximately 80 Russian-language publications dealt with the issue of sex work. In most media outlets sex workers were presented in a negative light. Press reports quote officials who blame the spread of HIV on sex workers<sup>19</sup> and call for the criminalization of sex work.<sup>20</sup> Some reports use hate language in regard to sex workers.<sup>21</sup>

In 2014 there was a sharp increase in the public presence of organizations claiming to promote patriotism and preserve “the traditional values of the Kyrgyz people.” In February 2014, political movement “Kalys” organized protests close to the U.S. embassy where the portrait of an advocate perceived as a gay man was burned. The leader of the movement declared: “We feel that if you’re gay, go home and be gay there. [ . . . ] If you are part of the LGBT movement, you

---

<sup>17</sup>Human Rights Watch, “Kyrgyzstan: Withdraw Draconian Homophobic Bill,” 27 March 2014. Source: <http://www.hrw.org/news/2014/03/27/kyrgyzstan-withdraw-draconian-homophobic-bill> (accessed 8 January 2015).

<sup>18</sup> “Education Committee Considers ‘Anti-Gay’ Legislation,” 6 October 2014 blog post. Source: <http://kloop.kg/blog/2014/10/06/komitet-po-obrazovaniyu-rassmotrit-antigejskij-zakonoproekt/> (accessed 8 January 2015).

<sup>19</sup> “Minister of Health Asks People to Have Sex at Home,” *Vechernii Bishkek* (in Russian), 16 January 2014. Source: [http://www.vb.kg/doc/258192\\_ministr\\_zdravoohraneniia\\_prizvala\\_zanimatsia\\_seksom\\_doma.html](http://www.vb.kg/doc/258192_ministr_zdravoohraneniia_prizvala_zanimatsia_seksom_doma.html) (accessed 12 июня 2014)

<sup>20</sup> “Parliament Member Zhogorku Kenesha Calls for Criminalizing Prostitution,” Russian-language news website 24KG, 13 February 2014. Source:

<http://www.24kg.org/parlament/172015-deputat-zhogorku-kenesha-predlagaet-vvesti.html> (accessed 12 June 2014).

<sup>21</sup> “Open Street Prostitution in the Center of the Capital,” *Bishkek Post* (in Russian), 15 May 2014. Source: <http://bpost.kg/photos/neprikrtyaya-ulichnaya-prostitutciya-v-centre-stolicy> (accessed 12 June 2014).

shouldn't lobby the government for your rights. Who will defend the rights of traditional families? This is immoral; we won't allow gays and lesbians to teach our children."<sup>22</sup>

In December 2014 civic organization "Kyrgyz Choroloru" launched an illegal raid on a karaoke bar during where the barpatrons and employees were subjected to humiliation and violence.<sup>23,24</sup> They detained 17 men and 22 women, whom they handed over to the Ministry of Internal Affairs, claiming that the women were engaging in "prostitution." One of the "Kyrgyz Choroloru" members stated: "Most important is our women, the values of Kyrgyz people. Our forefathers defended women. And if today they are doing such things, what will happen to our descendents tomorrow?"<sup>25</sup>

These attitudes are especially dangerous when expressed by the police. As much as 69.7 percent of Internal Affairs officers openly admitted that their attitude towards sex workers is negative.<sup>26</sup> Despite the fact that sex work is not criminalized in the Kyrgyz Republic, around 40 percent of surveyed law enforcement officers believed that liability for sex work does exist and hence police raids on them are justified.<sup>27</sup>

Attitude towards women using drugs as the outlaws is still pertinent in Kyrgyz society. Drug use is seen not as a health concern (as compared to perception of alcohol use), but as a moral flaw, lack of willpower, and ultimately criminal activity, particularly in women.<sup>28</sup> In the absence of evidence-based, balanced and neutral information about sex work, drug use, homosexuality or transgenderism and given growing influence of religious institutions, the stigma attached to especially women who use drugs, sex workers, lesbian women and transgender individuals remains unchallenged.<sup>29</sup>

Besides increasing the risk of gender-based violence, these attitudes often encourage families to expel and sever ties with their female relatives who are known to be a drug user, sex worker, a lesbian or transgender person. This deprives women from these groups of the social support enjoyed by other women<sup>30</sup> and makes them more vulnerable to violence, poverty and homelessness.

#### Recommendations:

- Expand Article 299 of the Criminal Code by incorporating penalties for inciting animosity, hatred, and intolerance, including in the press, toward various social groups and openly banning the incitement of animosity toward LBT communities, sex workers, and women who use drugs.
- Promote gender equality programs that recognize the variety of women and the fact that some groups of women, due to entrenched stereotypes, are especially subject to stigma, discrimination, and violence that often goes unpunished.
- The state should undertake efforts to address organizations' ability to promote intolerance and hatred toward individual groups of people.
- The state should investigate and punish those responsible in all cases of violence and calls for violence against women who use drugs, sex workers, lesbians, bisexual women and transgender individuals
- Withdraw the discriminatory draft law introducing criminal and administrative penalties for promoting "a positive attitude toward non-traditional forms of sexual relationships."
- Draft, pass and implement a complex of anti-discrimination laws that include sexual orientation and gender identity among characteristics to be protected.

#### ARTICLE 6. TRAFFICKING AND PROSTITUTION

<sup>22</sup>[http://www.knews.kg/society/45941\\_vozle\\_posolstva\\_ssha\\_v\\_kyrgyzstane\\_okolo\\_80\\_chlenov\\_dvijeniya\\_kalyis\\_sojgli\\_portret\\_ili\\_lukasha/](http://www.knews.kg/society/45941_vozle_posolstva_ssha_v_kyrgyzstane_okolo_80_chlenov_dvijeniya_kalyis_sojgli_portret_ili_lukasha/)

<sup>23</sup> "Nationalist Vigilante Group in Kyrgyzstan Targets Chinese Expatriates and Suspected Sex Workers," 5 January 2015. Source: <http://globalvoicesonline.org/2015/01/05/nationalist-vigilante-group-in-kyrgyzstan-targets-chinese-expatriates-and-suspected-sex-workers/> (accessed 6 January 2015).

<sup>24</sup> "How 'Fighters for values' attacked Kyrgyz girls and Chinese migrants on 30 December 2014." 30 December 2014 Russian-language blog post. Source: <http://kloop.kg/blog/2014/12/30/video-kak-bortsy-za-tsennosti-napadali-na-kyrgyzskih-devushek-i-kitajskih-migrantov/> (accessed 5 January 2015).

<sup>25</sup> "How 'Fighters for values' attacked Kyrgyz girls and Chinese migrants on 30 December 2014." 30 December 2014 Russian-language blog post. Source: <http://kloop.kg/blog/2014/12/30/video-kak-bortsy-za-tsennosti-napadali-na-kyrgyzskih-devushek-i-kitajskih-migrantov/> (accessed 5 January 2015).

<sup>26</sup> NGO Tais Plus et al., "Observance of Sex Worker Human Rights in the Kyrgyz Republic. Research Results." (2014), p. 42.

<sup>27</sup> *Ibid.*, p. 47.

<sup>28</sup> Gulsara Aliyeva et al., "Women and addiction in the Kyrgyz Republic". CADAP (2013), p. 73. Available at: <http://library.fes.de/pdf-files/bueros/bischkek/10178.pdf>; Interview No 14.

<sup>29</sup> *Ibid.*, p. 74.

<sup>30</sup> Djalbieva I. et al., "Limited Services and Psychosocial Factors in the Spread of HIV among Female Drug Users in Southern Kyrgyzstan. Research Findings." Asteria Foundation (2009), pp. 23-24. Available at: [asteria.kloop.kg/files/.../ASTERIA-report\\_-2009.doc](http://asteria.kloop.kg/files/.../ASTERIA-report_-2009.doc).

The article making consensual adult sex work a crime was repealed in 1998. In other words, individual adult sex work was decriminalized in Kyrgyzstan. However since then there have been several government-initiated attempts to reinstate criminal or administrative penalties for sex work.

In the spring of 2014, two laws were passed that, in different ways, impact sex work: one banning “obscene” advertisements<sup>31</sup> and a law increasing penalties for “recruiting into prostitution”.<sup>32</sup> Given the prevalence of corruption and police abuses, these bills pave the way toward bribery and rights violations by law enforcement at an even larger scale. One common practice is putting pressure on sex workers when they are detained: women are coerced into writing a statement claiming that they were forced or tricked into sex work. These statements are then used to extort money from their managers – madams or hotel administrators.

The background information provided in support of the law increasing penalties for recruiting someone into prostitution offers the following arguments:<sup>33</sup>

Arguments by the proponents of the bills	Civil society commentary
<p><b>Trafficking:</b> According to findings by the Kyrgyz Ministry of Internal Affairs, between January 2000 and October 2012, 211 instances of human trafficking were recorded, 100 for purposes of prostitution.</p>	<p>The scale of trafficking is incomparable to the scale of systematic violence against sex workers in the country. According to the most recent estimates, there are approximately 7,000 sex workers in Kyrgyzstan.<sup>34</sup> The first national study investigating sex worker rights violations was conducted in 2012, and 68 percent of sex workers reported that they were subjected to violence.<sup>35</sup> Of this subset, all reported being subjected to violence by the police.</p>
<p><b>Recruitment into prostitution and the maintenance of brothels:</b> Over this period, there were 36 alleged cases of recruitment to engage in prostitution under Criminal Code Article 260 and 29 cases were tried in criminal court. A total of 18 people were convicted. There were 102 criminal cases based on Article 261, aimed at those who organize or run brothels, resulting in 78 convictions.</p>	<p>It has been documented cases alleging recruitment into prostitution are launched using pressure on sex workers, who are forced to write statements that they were physically forced or tricked into prostitution. Many write such statements under the threat that their relatives will be told that they are sex workers.</p>
<p><b>Raids:</b> During 2012, 948 women were detained, forcibly tested for sexual transmitted infections and HIV and placed under “preventive registration” as part of operations given the names “Den” and “Butterfly.”</p>	<p>Raids by law enforcement agencies are conducted arbitrarily based on internal Ministry of Internal Affairs orders or are entirely unsanctioned. No laws or regulations exist that would permit such measures.</p>
<p><b>Assessing the situation of sex workers:</b> All women in this environment immediately lose their rights and are subjected to daily violence from their pimps and sometimes from members of law enforcement. For this reason, they cannot fully count on the protection of their life and health. They are all at risk of venereal diseases, HIV/AIDS, and other infectious diseases and become carriers of these diseases.</p>	<p>It is true that sex workers are subjected to daily violence, but the main source of this violence is not pimps, but law enforcement and aggressive groups supposedly acting in the name of religion or so-called “traditional values,” as well as clients.</p> <p>The claim that sex workers are carriers and spreaders of disease also results from entrenched stereotypes. HIV prevention programs have been working with sex workers since the late 1990s. Twice – in 2003 (UNAIDS) and in 2013 (NSWP) – these programs have been recognized as best practice. In reality, sex workers are highly committed to condom use. More than 90 percent of sex workers report that they used a condom during their most recent sexual encounter. Virtually all instances when condoms were not used were due to pressure from a client.<sup>36</sup></p>

<sup>31</sup> “Parliament Members Ban Advertisements for Prostitution Services.” *Vechernii Bishkek* (in Russian), 9 April 2014. Source: [www.vb.kg/doc/268529\\_depytaty\\_zapretili\\_reklamirovat\\_yslygi\\_prostitutyok.html](http://www.vb.kg/doc/268529_depytaty_zapretili_reklamirovat_yslygi_prostitutyok.html) (accessed: 8 January 2015)

<sup>32</sup> “Parliament Members Increase Penalties for Recruiting Prostitutes,” *Vechernii Bishkek* (in Russian), 21 May 2014. Source: [http://www.vb.kg/doc/273827\\_depytaty\\_yestochili\\_otvetstvennost\\_za\\_vovlechenie\\_v\\_prostityciu.html](http://www.vb.kg/doc/273827_depytaty_yestochili_otvetstvennost_za_vovlechenie_v_prostityciu.html) (accessed 8 January 2015).

<sup>33</sup> <http://www.kenesh.kg/lawprojects/lps.aspx?view=projectinfo&id=101159>

<sup>34</sup> Estimate of the number of sex workers, 2013, M-Vektor.

<sup>35</sup> “Observance of the Human Rights of Sex Workers in the Kyrgyz Republic: Research Results” (2012).

<sup>36</sup> UNFPA 2013 study.

The draft law aimed at increasing penalties for recruitment into prostitution does nothing to protect sex workers. Instead, it would create an environment conducive to additional pressure and persecution. The arguments made in the background material cited above demonstrate that the law's authors confuse human trafficking with adult, consensual, individual sex work, and that they blame sex workers for spreading STIs and HIV, thus promoting stigma and further discrimination. Furthermore, the mention of raids, which are an illegal practice, suggests that this practice is not counted as an act of violence against sex workers.

### Recommendations

- New attempts to criminalize adult, consensual, individual sex work must be prevented, since this would only worsen the situation for sex workers and affect every aspect of their lives;
- Articles of the criminal code aimed at punishing recruitment into prostitution have to be applied in conjunction with close oversight of the investigative and legal process to avoid pressure on sex workers;
- All articles of the criminal and administrative codes tied to sex work issues have to be reviewed to ensure that they adhere to human rights standards and could not be used for illegal purposes;
- The Kyrgyz Ministry of Internal Affairs should conduct systematic trainings among law enforcement staff concerning existing national laws and regulations governing sex work and drug use and concerning reducing stigmas and discrimination in regard to vulnerable groups.

### ARTICLE 7: PARTICIPATION IN POLITICAL AND PUBLIC LIFE

In 2010, opportunities to participate in public and political life began to expand with establishment of government-body Public Oversight Councils (POC) aimed at introducing long-term and durable mechanisms for interaction between the authorities and civil society in decision-making processes and paving the way toward the realization of civic initiatives.<sup>37</sup> At the same time, neither the law<sup>38</sup> nor the statute<sup>39</sup> governing the workings of the POCs requires a balanced membership that presumes the equal participation of women. During 2011-2014 there was only two examples when a woman and transgender man, representing two out of three of the groups described here, took part in the work of a POC.

Since 2002, the government of the Kyrgyz Republic's Country Coordinating Committee (CCC) has been responsible for overseeing programs in the area of HIV/AIDS, tuberculosis, and malaria. In 2013, four women from the sex worker and drug user communities were selected to the CCC. This could be considered reasonable progress in the inclusion of women from the communities affected by the HIV epidemic in the decision-making process.

In 2010, the *Council to Protect the Rights of People Living with HIV and Vulnerable Groups*<sup>40</sup> (among which are explicitly listed injecting drug users, sex workers, and LGBT people) was formed as part of the Apparatus of the Ombudsmen of the Kyrgyz Republic. In 2014, the Shah-Ayim Sex worker Network submitted a number of queries to officials and learned that the Council was dissolved in order to reconvene with a new membership. The Council's new membership has yet to be selected and this body has not renewed its activities.

Despite a certain level of representation of the three communities on oversight councils, violence and discrimination continues while the state ignores the rights of these groups of women.

### Recommendations

- The mechanisms for forming Public Oversight Councils should include explicit criteria demanding gender balance and providing for participation by women from the three described groups;
- The Apparatus of the Ombudsman should focus attention on the situation of people living with HIV, sex workers, drug users, and LGBT people and renew the activities of the council to protect the rights of these groups. The ombudsman's annual report should also include a section devoted to the situation of these groups.

---

<sup>37</sup> Kyrgyz Republic presidential decree: "On Improving Interactions between State Bodies and Civil Society," 29 September 2010, Decree No. 212. Source:

[http://ons.kg/site/index.php?act=view\\_material&id=68](http://ons.kg/site/index.php?act=view_material&id=68) (accessed 11 January 2014).

<sup>38</sup> Kyrgyz law No. 74: "On State Bodies' Public Councils," 24 May 2014. Source: [http://ons.kg/site/index.php?act=view\\_material&id=385](http://ons.kg/site/index.php?act=view_material&id=385) (accessed 11 January 2015).

<sup>39</sup> Statute governing a state body's public oversight council. Source: [http://ons.kg/site/index.php?act=view\\_material&id=67](http://ons.kg/site/index.php?act=view_material&id=67) (accessed 11 January 2015).

<sup>40</sup> UNAIDS now considers the wording "vulnerable groups" to be outdated and sees it as promoting stigma and discrimination. Current recommended wording includes: key population groups or communities affected by the HIV epidemic.

## **ARTICLE 10: EQUAL RIGHTS IN EDUCATION**

As they have in the past, sex workers and women who use drugs continue to face significant difficulties placing their children in kindergartens and schools, often in connection with a lack of passports and residency permits for themselves and birth certificates for their children. In these cases, women are forced to pay these institutions significant amounts of money as bribes. When they are unable to pay, the child is prevented from attending kindergarten or school. In cases where the mother's occupation or drug use becomes known, the child can be subjected to persecution by other children, parents, or the school's administrators.

## **ARTICLE 12. HEALTH CARE AND FAMILY PLANNING**

All three groups of women confront significant barriers accessing health care, including reproductive and sexual health care services, and medical help in cases of gender-based violence. Women who use drugs and sex workers also face barriers accessing diagnostic and treatment services for tuberculosis.

Women from all three groups cannot get reproductive health services at just any clinic, since sooner or later the doctor will guess or the woman will be forced to admit that she uses drugs or do sex work or is a lesbian or bisexual woman. At that point, treatment will either be denied or will be of low quality for reasons of stigma; furthermore often information about the women will be shared throughout the medical establishment without their knowledge or consent violating their right to privacy. The situation with trans women and trans men is even more difficult, since doctors practicing at regular clinics often have no understanding of transgenderism.

Furthermore, until recently, people were tied to a particular clinic through their residency registration and hence could not receive free medical care from experienced specialist located in a different geographical zone. In 2014 the Ministry of Health issued an order changing the rules and allowing patients to be referred to a clinic by an NGO.

For more than 15 years, Kyrgyzstan has been conducting HIV prevention programs that have included training of friendly doctors who could provide non-judgmental STI, reproductive health and other services. A minimal set of diagnostic and treatment services are offered at no cost as part of programs supported by international organizations. However, contraception-related issues faced by women who use drugs and sex workers have been essentially ignored. Pregnancy is a problem that rests entirely on the shoulders of the women, since a lack of identity documents and official employment places services guaranteed by the government out of reach for these women.

Women often do not seek medical care after instances of violence unless they have suffered serious trauma and injury. All three groups of women prefer to avoid the official state health care system, fearing stigma and discrimination inside medical facilities or a repetition of violence.

### **Special Review: Drug Treatment, Including Methadone Substitution Therapy**

According to estimates, approximately 20 per cent of drug users in Central Asia are women,<sup>41</sup> but official figures give this number as 10 per cent (488 out of 5,356) of Kyrgyzstan's registered drug users. Kyrgyzstan's Republic Narcological Center has reported that between 2002, when methadone programs first opened in Kyrgyzstan, and August 2008, only 6.7 per cent of the clients of methadone therapy were women.<sup>42</sup> Access to drug treatment, including access to methadone substitution therapy, is also complicated by the fact that patients have to be officially registered, which carries a stigma when applying for employment, brings the unwanted attention of law enforcement, and can lead to the loss of parental rights or make the task of enrolling a child in preschool or school more difficult. Overall, at facilities offering drug treatment, there is no system for providing referrals to receive sexual or reproductive health services or such systems are extremely ineffective.<sup>43</sup>

### **Forced testing and Torture in Healthcare settings**

In accordance with the law "Concerning HIV/AIDS," HIV testing is voluntary and must be accompanied by mandatory pre-test counseling and follow-up informed and conscious consent to testing. Forced testing is still provided for by law, but must be court ordered.<sup>44</sup> The practice of illegal HIV testing in association with police raids on sex workers persists. Law enforcement personnel, in order to provide for the formal requirements of the law, summon AIDS center staff

---

<sup>41</sup> Source: UNODC, *Substance Abuse Treatment and Care for Women: Case Studies and Lessons Learned*, New York, 2004.

<sup>42</sup> Data not included in the final text of the publication *Women, Harm Reduction, and HIV: The Primary Results of Studies Conducted in Azerbaijan, Georgia, Kyrgyzstan, Russia, and Ukraine*, 2009, OSF.

<sup>43</sup> *Women, Harm Reduction, and HIV. Key Findings of Studies Conducted in Azerbaijan, Georgia, Kyrgyzstan, Russia, and Ukraine*, OSF/Public Health Program, 2009, p. 8. Source: [http://www.opensocietyfoundations.org/sites/default/files/wmhrus\\_20091001\\_0.pdf](http://www.opensocietyfoundations.org/sites/default/files/wmhrus_20091001_0.pdf) (accessed 11 January 2015).

<sup>44</sup> Kyrgyz Republic law No. 149, enacted 13 August 2005, "Concerning HIV/AIDS in the Kyrgyz Republic." (13 June 2011 redaction, No. 44), Article 7. Source: <http://cbd.minjust.gov.kg/act/view/ky-kg/1747?cl=ru-ru> (accessed 12 January 2015).



members, who obtain written consent to HIV testing under conditions of arbitrary detention.<sup>45</sup> There are also known cases where the police, acting under the cover of Article 261, “The Organization or Running of Brothels,” have detained sex workers and illegally sent them for forced medical testing, including for STIs and HIV.<sup>46,47</sup>

All three groups of women encountered demeaning and inhumane attitudes in the health care system that has been documented in the overview, *Torture in Healthcare Settings: Reflections on the Special Rapporteur on Torture’s 2013 Thematic Report*.<sup>48</sup> An NGO staff accompanied their client, a woman who used drugs, to a doctor to treat an abscess on her leg. The doctor took a look and said, “Why are you bothering with her, she’s a junkie.”<sup>49</sup>

LGBT people encounter refusals by doctors from government facilities to treat them, and these refusals come with statements such as: “homosexuality is absurd,” “it is condemned by Islam,” “it’s not normal,” or “LGBT people are not our patients.”<sup>50</sup>

### Recommendations

- Women must be given equal access to medical care associated with sexual and reproductive health and in the aftermath of violence;
- Illegal forced testing of sex workers for HIV and STIs should stop;
- The Ministry of Health and other responsible authorities must take steps to eliminate the inhumane and demeaning attitude that borders on torture within the health care system;
- The Kyrgyz Ministry of Internal Affairs must provide training to its personnel on existing forms of HIV testing in accordance with the “Law on HIV.”

### ARTICLE 15. EQUALITY BEFORE THE LAW

Women who use drugs, sex workers, and LBT people essentially lack equality with men before the law. Subjected to frequent illegal detention and other forms of human rights violations by the police, women cannot exercise the right to thorough investigation and justice. Women cannot appeal to law enforcement for a variety of reasons: lack of a passport, threats from violators and the police that private information about them will be given to their relatives, employers, and child welfare authorities, not to mention threats and instances of even greater violence.

In 2014, the Shah-Aiym Network documented more than 300 cases of various sorts of violence perpetrated against sex workers in Kyrgyzstan: extortion by the police (77 per cent of reports), humiliation through words or actions (56 per cent), illegal detention (51 per cent), and threats and blackmail (46.5 per cent). Only four women found the courage to submit a written complaint to the police. In the vast majority of cases, the perpetrators of violence were members of the police. Below, two cases are described that are still under investigation and in the courts.

**Case M.** *On 5 April 2014, around five o’clock in the afternoon, a policeman from the local station drove up to a small plaza and asked sex worker M., who was working on her own, for an otmetka or bribe.<sup>51</sup> The sex worker refused to give him the money and a conflict erupted. Two police officers tried to force the woman into their car, but she resisted. The police began to beat her, after which they dragged her into the car and brought her to the police station. While the woman was in her cell, the policemen provoked her, trying to get her to harm herself with sharp objects she had in her possession that had not been taken away from her. They also openly urged her to hang herself with her belt. M. did injure herself and attempted to hang herself. The policemen continued to beat her at the station, punching her in the stomach. Later, M. fainted. The police called an ambulance around 11 in the evening. The woman was hospitalized. One week after this incident, a complaint against the policemen was filed. A criminal case was initiated. After the woman was checked out of the hospital she immediately returned to her spot on the square. The policemen began to put pressure both on the injured sex worker and on other women working the same area, demanding a statement clearing her initial complaint. The sex worker has an adopted child. The police also threatened to take her child away. Because of the constant threats and persecution, the woman tried several times to withdraw her complaint, but in the end decided to try to pursue the case, which is still in the courts. However, currently only the officer on duty while she was in her cell is*

<sup>45</sup> Instance in the city of Osh, June 2014.

<sup>46</sup> In Jalal-Abad, five prostitutes, including two women from Uzbekistan, were detained in a sauna on 21 April 2014.

Source: <http://www.kginform.com/ru/news/20140421/19844.html> (accessed 12 January 2015).

<sup>47</sup> “In Tokmak, Police Shut Down a Den,” *Vechernii Bishkek* (in Russian), 20 May 2014. Source:

[http://www.vb.kg/doc/273508\\_v\\_tokmake\\_milicionery\\_prikryli\\_priton.html](http://www.vb.kg/doc/273508_v_tokmake_milicionery_prikryli_priton.html) (accessed 12 January 2015).

<sup>48</sup> [http://antitorture.org/wp-content/uploads/2014/03/PDF\\_Torture\\_in\\_Healthcare\\_Publication.pdf](http://antitorture.org/wp-content/uploads/2014/03/PDF_Torture_in_Healthcare_Publication.pdf)

<sup>49</sup> *Ibid.*, p. 31.

<sup>50</sup> *Ibid.*, p. 33.

<sup>51</sup> An *otmetka* (note or mark) is slang for an informal monetary payment to members of the police by sex workers for allowing to stay out on the street while they wait for a client. In essence, this practice represents the systematic extortion of sex workers by the police.

being charged with negligence in connection with her self-inflicted wounds. The policeman who started it all does not face any charges.

**Case N.** Eighteen-year-old sex worker who is a trans woman D., was subjected to violence, humiliation, and extortion by men who presented themselves as members of the police. D. was forced to state her name and address on video. The trans woman was forced to completely undress and respond to demeaning questions in front of a video camera. The men then demanded that the woman brings them \$1,000, or else they would widely circulate the video they had filmed. This sum was not given to the men, and the video was widely circulated among social networks in Kyrgyzstan causing further risk to D. D. decided to file a complaint, which is currently being investigated.<sup>52</sup> One of the suspects' lawyers is a former member of the Prosecutor's office and it pressuring the investigator and threatened that if the case comes to trial he would not only be fired, but he would be criminally charged. Meanwhile, the investigator himself is demonstrating hostility toward the victim.

40 per cent of women who use drugs face violence from police officers. These women report that they "solve their problems" with the police through bribes, being informers, and sexual services. Police violence is most likely to happen in cases if women are unable to pay or refuse to provide sexual services.<sup>53</sup> Furthermore, when they experience violence or have other reasons to turn to the police, women encounter demeaning treatment or refusal by the police to take steps: (1) if a women suffers from domestic violence, she may be told to give her husband/partner narcotics to get rid of him and put an end to violence;<sup>54</sup> (2) in one case there was a refusal to accept a complaint from a women regarding her missing daughter. She was told: "Probably she got drunk and went for a wild ride... Check all the hospitals, get statements affirming that she's not there, and then come back to us".<sup>55</sup>

### Recommendations

- Police violence and abuse toward women who use drugs and sex workers by the police needs to be investigated, perpetrators brought to justice and the government should strongly condemn any kind of violence against these groups;
- Substantive equality and non-discrimination must be assured in dealing with complaints and appeals filed with the police by members of these three groups of women, along with investigations and fair trials.

---

<sup>52</sup> "MVD [Ministry of Internal Affairs]: KGIuA [Kyrgyz State Academy of Law] and MVD Academy Students Detained on Suspicion of Extortion," 12 December 2014 Russian-language news site story. Source: <http://svodka.akipress.org/news:139319> (accessed 11 January 2015).

<sup>53</sup> *Women, Harm Reduction, and HIV. Key Findings of Studies Conducted in Azerbaijan, Georgia, Kyrgyzstan, Russia, and Ukraine*, OSF/Public Health Program, 2009, p. 53. Source: [http://www.opensocietyfoundations.org/sites/default/files/wmhrrus\\_20091001\\_0.pdf](http://www.opensocietyfoundations.org/sites/default/files/wmhrrus_20091001_0.pdf) (accessed 11 January 2015).

<sup>54</sup> Case documented as part of a campaign by the Eurasian Harm Reduction Network. Source: <https://waveeca.crowdmap.com/reports/view/671> (accessed 12 January 2015).

<sup>55</sup> Case documented as part of a campaign by the Eurasian Harm Reduction Network. Source: <https://waveeca.crowdmap.com/reports/view/418> (accessed 12 January 2015).