Co-funded by the European Union
При поддержке Европейского Союза

IPHR International Partnership for Human Rights

Юристы за права человека

АКЫЙКАТ КАРЕГИ

НАЦИОНАЛЬНАЯ СЕТЬ ГРАЖДАНСКОГО ОБЩЕСТВА ПО МОНИТОРИНГУ СЕКТОРА ПРАВОСУДИЯ

REPORT ON THE RESULTS OF MONITORING THE CRIMINAL JUSTICE SYSTEM OF THE KYRGYZ REPUBLIC - SUMMARY

Women's Rights in the Criminal Justice Sector

Bishkek 2025

This analytical report is based on monitoring conducted by a member of the Akyikat Karegi Civil Society Network for Justice Sector Monitoring in Kyrgyzstan in the framework of a project implemented by International Partnership for Human Rights (IPHR) and Lawyers for Human Rights (LHR) with support from the European Union.

The report covers the cross-cutting topic of women's rights under a comprehensive Methodology for Monitoring the Criminal Justice Sector, developed by recognized international and national experts under the project.[1] It is part of a series of analytical reports based on monitoring conducted by "Akyikat Karegy" members using the new methodology with support from project experts.

This publication has been prepared with the financial support from the European Union. The contents of this publication are the sole responsibility of IPHR and LHR and do not necessarily reflect the views of the European Union.

[1] The methodology (in Russian and Kyrgyz) is available at: https://iphronline.org/articles/new-methodology-for-monitoring-the-criminal-justice-sector-developed/

SUMMARY OF FINDINGS

While the criminal law policy of the Kyrgyz Republic formally references the principles of equality, non-discrimination, and humanism—particularly in relation to women, pregnant women, and caregivers—the existing legal framework remains fragmented and falls short of full alignment with international standards. Notably, there is no comprehensive anti-discrimination law; criminal law provisions fail to address protection from discrimination based on sexual orientation and gender identity; and prohibitions on biomedical research involving vulnerable groups have not been integrated into the criminal justice system. These gaps highlight the urgent need for a systematic review and reform of the legal framework to ensure full implementation of the principle of equality before the law and to guarantee effective protection of the rights of all citizens.

The provision of legal assistance to women is formally enshrined in the legislation on Guaranteed State Legal Aid (GSLA), reflecting the state's intention to meet international obligations, including those under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW Convention). However, analysis of practical implementation reveals significant shortcomings in ensuring early and effective access to legal protection for women—especially during criminal proceedings and among particularly vulnerable groups such as women who have been convicted. Barriers such as insufficient public awareness, the absence of self-referral mechanisms, technical problems with online platforms, and the exclusion of convicted women from the list of civil legal aid beneficiaries significantly hinder real access to justice. Additionally, the lack of gender-disaggregated statistics on applicants for legal aid undermines the development of targeted and gender-sensitive legal aid measures.

At the pre-trial stage of criminal proceedings involving women, a considerable gap persists between legal guarantees, as established by international standards, and their actual enforcement. While the right to legal counsel and the prohibition of self-incrimination are formally guaranteed, women often experience violations of their rights—such as inadequate or delayed notification of the reasons for their detention, restricted ability to independently select legal representation, and coercion into confessing through pressure from law enforcement officers. A high number of detentions without proper explanation, manipulation of procedural statuses, and the absence of uniform standards for recording detentions increase the risk of arbitrary practices and undermine the fairness of pre-trial procedures. These challenges disproportionately affect women in vulnerable circumstances and underscore the urgent need for institutional reforms to strengthen access to legal protection, improve oversight of law enforcement, and prevent unlawful investigative practices.

Although national legislation contains several provisions aligned with international standards, the actual treatment of women in penitentiary institutions in the Kyrgyz Republic often fails to reflect human rights principles, gender sensitivity, and rehabilitation objectives. Women detainees continue to face limited access to healthcare, inadequate sanitary conditions, a lack of rehabilitation programs, and disciplinary practices that do not sufficiently take into account their vulnerable status. Furthermore, the absence of specialized protective measures for LGBTI detainees and the continued influence of informal prison hierarchies demand focused attention. Achieving adequate conditions of detention and effective protection of women's rights within the penitentiary system will require intensified efforts to bring practices into conformity with international standards.

Overall assessment

The assessment underscores systemic deficiencies in Kyrgyzstan's criminal justice system related to gender equality and protection of women's rights. While legal norms are partly aligned with international frameworks, enforcement remains weak, especially at the pre-trial and detention stages. Strengthening access to justice, improving conditions of detention, protecting LGBTI detainees, and ensuring accountability for violations are urgent priorities. The total score awarded for compliance in this thematic review is 8 out of 18 possible points under the comprehensive Methodology for Monitoring the Criminal Justice Sector.

KEY ISSUES AND RECOMMENDATIONS

Criminal Law Policy

Key Issues:

- Basic principles of equality, non-discrimination, and humanism are established, but the legal framework is fragmented and lacks full compliance with international standards.
- There is no comprehensive anti-discrimination law.
- Criminal legislation does not adequately protect against discrimination based on sexual orientation or gender identity.
- Existing provisions fail to incorporate bans on biomedical research involving vulnerable groups into the Criminal Code.

Recommendations:

- Adopt a comprehensive anti-discrimination law including sexual orientation and gender identity.
- Amend the Criminal Code to include gender-related hate motives as aggravating circumstances and align prohibitions on biomedical research with existing health legislation.

Access to Legal Aid for Women

Key Issues:

- Legal aid is formally guaranteed under national law, including for women, but significant gaps exist in access and awareness, particularly in criminal cases.
- Convicted women are excluded from receiving civil legal aid.
- Technical inconsistencies in online platforms create barriers to eligibility.
- Lack of gender-disaggregated statistics impedes targeted policy development.

Recommendations:

- Improve coordination among state bodies, NGOs, and international actors to gather better gender-sensitive data.
- Raise awareness and monitor compliance with early access to legal aid, especially at the moment of detention.
- Expand legal aid eligibility to include convicted women for civil matters and introduce user-friendly mechanisms for submitting requests from detention.

Pre-Trial Stage

Key Issues:

- Despite formal guarantees, women often lack effective access to legal representation upon arrest.
- There are frequent violations of procedural rights, including failure to inform women of reasons for detention.

- Women are pressured into confessions through intimidation or threats, violating their right against self-incrimination.

Recommendations:

- Enhance transparency and independence in legal aid provision during pre-trial detention.
- Establish independent monitoring of detention procedures and conditions.
- Introduce mandatory audio/video recording of interrogations to prevent coercion and abuse.

Penal System (Detention and Imprisonment)

Key Issues:

- Detention conditions for women do not meet international standards (e.g., Mandela Rules), especially in terms of hygiene, access to healthcare, and protection from abuse.
- Many women report feeling unsafe, and face threats from both staff and informal prison hierarchies.
- Pregnant and breastfeeding women lack special protections.
- LGBTI prisoners are particularly vulnerable due to lack of legal safeguards.

Recommendations:

- Improve living conditions, hygiene, nutrition, and access to medical care in prisons.
- Introduce comprehensive reintegration programs and probation support for women leaving prison.
- Strengthen independent oversight of detention facilities through civil society and parliamentary mechanisms.
- Train prison staff on gender-sensitive approaches and non-discrimination, particularly concerning LGBTI detainees.
- Develop safe reporting mechanisms and respond promptly to complaints of abuse or mistreatment.
- Amend laws to prohibit solitary confinement for pregnant women, mothers with infants, and introduce alternative disciplinary measures.